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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,085	03/10/2000	Douglas S. Foote	9137.00	5683

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/522,085	Applicant(s) FOOTE ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 15-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 15-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's arguments are moot in view of the new ground of rejection found below. In view of the Appeal Brief filed on 11/15/2004, PROSECUTION IS HEREBY REOPENED. A rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

2. Claims 16-19, 24 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 16-19, 24, 30 and 31, it is unclear whether the claim is directed toward a system claim, a method claim or an apparatus claim. The claims appear to be narrative and recite intended results. If an apparatus or system claim is desired, then the Examiner suggests applicant to recite means for or structural language for performing the desired functions. If a method claim is desired, then the Examiner suggests applicant to introduce a series of discrete steps to performing desired functions.

Claims 24 and 31 improperly depend on an apparatus claim 16 as claim 16 is claiming a receiver.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16-19, 24, 30 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 16 is directed to a transceiver. Claims 17, 18 and 19 are directed to a self-service terminal. Claims 16, 17, 18 and 19 lack structures for performing any specific functions. These claims recite intended results having no means or steps or structures for performing any desired results, and thus fail to provide enabling means or steps for performing specific functions.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 15-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suer et al. (US Patent No. 6,431,439).

As per claims 1-3, 8, 15,17-18 , 20-23, 26-29 Suer et al disclose a system and method for enabling the electronic capture and storage of financial transactions. See the abstract. In so doing, Suer et al substantially teach the claimed invention. Suer et al disclose a user having an electronic portable device such as a personal digital assistant (PDA) for running various types of financial software(s) for conducting financial transactions with an ATM, point of sales (POS) and other merchant computers. See column 3, line 54 to column 4, line 9 of Suer et al. Suer et al state that “the device may comprise a transceiver, e.g., such as an infrared (IR) transceiver, for wireless communication between the device and a terminal unit, such as a personal computer, an ATM, or a terminal at a merchant's site. An IR adapter may be plugged into the terminal unit's serial, parallel, Universal Serial Bus (USB), or IrDA port to receive data from the device. “ See column 4, lines 29-37 of Suer et al. Suer et al further state on column 6, lines 49-55 that “the user may enter ATM transaction information, such as a personal identification number (PIN) and a transaction amount, into the device 10 and transmit the information from the device 10 to the ATM 20 so that the user may perform ATM functions (e.g., withdraw money, transfer money between accounts, and deposit money) using the device 10”. From these descriptions, it is clearly seen that Suer et al disclose a method comprising an ATM which has a screen for displaying options for withdrawing cash and a touch input mechanism for receiving user commands, and modifying the ATM to enable it to receive from a wireless device user commands for dispensing cash. Most ATM's are connected within a network. Suer et al do not

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explicitly state the portable device is a wireless telephone. The Examiner asserts that the device of Suer et al is a wireless device and that wireless devices include PDA's and cell phones and wireless phones. It would have been obvious to one of ordinary skill in the art at the time the invention was made to also include a wireless telephone device in the system of Suer et al in order to attract many types of users or customers having different types of portable devices. Furthermore, it is noted that the type of wireless devices being used therein would not affect the system of Suer et al since such is merely used for the purpose of facilitating wireless communication with another terminal.

As per claim 4, Suer et al teach the transceiver is further adapted to transmit signals directly to the portable device. See column 6, lines 44-47 where it is stated that "The device 10 may communicate various financial transaction data to and receive similar data from each of these terminal units".

As per claim 5, Suer et al teach the signals implement local wireless communication. See column 9, lines 29-46.

As per claim 6, most ATM's are connected in a network for enabling the checking of funds in a bank associated with the user. See also column 16, lines 25-37.

As per claim 7, see the above analysis, and column 16, lines 25-37 and column 10, lines 42-63 of Suer et al.

As per claims 16 and 19, claims 16 and 19 contain features recited in claim 1 using different language. These features are likewise rejected. It should be noted that the self-service terminal is similar to a POS described in the system of Suer et al. The POS of Suer et al includes means for transmitting/receiving financial transactions to/from a wireless device. The claimed

authorized source is similar to a user or authorized source of the wireless device. The claimed external source is similar to the wireless device.

As per claim 24, the transceiver being connected to a system bus of a computer within the SST would have been obvious to one of ordinary skill in the art at the time of the invention was made to do in the system of Suer et al so as to enable the transceiver to receive and transmit signal to/from the terminal.

As per claim 30, the transceiver comprising an adapter card installable in a computer is not explicitly stated. However, having an adapter card installed in a computer for enabling wireless communication is old and well known in the communication art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a transceiver comprising an adapter card installable in a computer in the system of Suer et al in order to facilitate wireless communication between the portable device and an ATM or POS device.


As per claim 31, the self service terminal (such as the POS or merchant's computer of Suer et al) were able to execute transactions prior to installation of the transceiver.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
January 17, 2006



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